

**HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**HON'BLE THE CHIEF JUSTICE MR. G. NARENDAR**

**AND**

**HON'BLE SRI JUSTICE ALOK MAHRA**

**27<sup>TH</sup> JUNE, 2025**

**WRIT PETITION (M/B) NO. 400 OF 2025**

Berendra Singh Butola

.....Petitioner.

**Versus**

State of Uttarakhand & another

.....Respondents.

**With**

**WRIT PETITION (M/B) NO. 410 OF 2025**

**WRIT PETITION (M/B) NO. 416 OF 2025**

**WRIT PETITION (M/B) NO. 417 OF 2025**

**WRIT PETITION (M/B) NO. 421 OF 2025**

**WRIT PETITION (M/B) NO. 425 OF 2025**

**WRIT PETITION (M/B) NO. 426 OF 2025**

**WRIT PETITION (M/B) NO. 454 OF 2025**

**WRIT PETITION (M/S) NO. 1795 OF 2025**

**WRIT PETITION (M/S) NO. 1808 OF 2025**

**WRIT PETITION (M/S) NO. 1812 OF 2025**

**WRIT PETITION (M/S) NO. 1819 OF 2025**

**WRIT PETITION (M/S) NO. 1820 OF 2025**

**WRIT PETITION (M/S) NO. 1821 OF 2025**

**WRIT PETITION (M/S) NO. 1822 OF 2025**

**WRIT PETITION (M/S) NO. 1823 OF 2025**

**WRIT PETITION (M/S) NO. 1824 OF 2025**

**WRIT PETITION (M/S) NO. 1825 OF 2025**

**WRIT PETITION (M/S) NO. 1832 OF 2025**

**WRIT PETITION (M/S) NO. 1834 OF 2025**

**WRIT PETITION (M/S) NO. 1836 OF 2025**

**WRIT PETITION (M/S) NO. 1837 OF 2025**

**WRIT PETITION (M/S) NO. 1838 OF 2025**

WRIT PETITION (M/S) NO. 1839 OF 2025  
WRIT PETITION (M/S) NO. 1840 OF 2025  
WRIT PETITION (M/S) NO. 1841 OF 2025  
WRIT PETITION (M/S) NO. 1843 OF 2025  
WRIT PETITION (M/S) NO. 1848 OF 2025  
WRIT PETITION (M/S) NO. 1849 OF 2025  
WRIT PETITION (M/S) NO. 1853 OF 2025  
WRIT PETITION (M/S) NO. 1856 OF 2025  
WRIT PETITION (M/S) NO. 1858 OF 2025  
WRIT PETITION (M/S) NO. 1859 OF 2025  
WRIT PETITION (M/S) NO. 1865 OF 2025  
WRIT PETITION (M/S) NO. 1866 OF 2025  
WRIT PETITION (M/S) NO. 1867 OF 2025  
WRIT PETITION (M/S) NO. 1869 OF 2025  
WRIT PETITION (M/S) NO. 1870 OF 2025  
WRIT PETITION (M/S) NO. 1871 OF 2025  
WRIT PETITION (M/S) NO. 1872 OF 2025  
WRIT PETITION (M/B) NO. 445 OF 2025  
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WRIT PETITION (M/B) NO. 456 OF 2025  
WRIT PETITION (M/S) NO. 1873 OF 2025  
WRIT PETITION (M/S) NO. 1868 OF 2025  
WRIT PETITION (M/B) NO. 441 OF 2025  
WRIT PETITION (M/B) NO. 442 OF 2025  
WRIT PETITION (M/B) NO. 444 OF 2025

Counsel for the Petitioners

:

Mr. Rajendra Dobhal, Mr. V.B.S. Negi,  
learned Senior Counsels assisted by Mr.  
M.C. Pant, Mr. Jitendra Chaudhary, Mr.  
Mr. Anil Kumar Joshi, Mr. Shobhit

Saharia, Mr. Aditya Singh, Mr. Yogesh Kumar Pacholia, Mr. Ankush Negi, Ms. Azmeen, Mr. Suryakant Maithani, Mr. Dushyant Mainali, Mr. Nikhil Bhatt, Mr. Krishan Mohan Joshi, Mr. Rishab Ranghar, Mr. Rohit Kumar, Mr. Shakti Singh, Mr. Niranjana Bhatt, Mr. Hari Mohan Bhatia, Mr. Nivesh Bahguna, Mr. M.S. Bhandari, Mr. Reetuparna Joshi, Mr. Shivanand Bhatt, Mr. Kurban Ali, Mr. I.D. Paliwal, Mr. Mahendra Singh Rawat, Mr. Shailendra Nauriyal, Mr. Deep Prakash Bhatt, Mr. Vikas Pande, Mr. Ketan Joshi and Mr. Prashant Khanna, learned counsels.

Counsel for the State : Mr. S.N. Babulkar, learned Advocate General, Mr. J.P. Joshi, learned Additional Advocate General assisted by Mr. C.S. Rawat, learned Chief Standing Counsel, Mr. Rajeev Singh Bisht, Mr. B.S. Parihar, learned Additional Chief Standing Counsels and Mr. Gajendra Chaudhary, learned Standing Counsel.

Counsel for the State Election Commission : Mr. Sanjay Bhatt, learned counsel.

**ORDER:(per Mr. G. Narendar, C.J.)**

We have heard learned Advocate General for the State.

2. Certain petitions were listed on 23.06.2025, and this Bench, after hearing learned counsel for the petitioners and appreciating the contention that there appears to be violation of the constitutional mandate of Article 243-D, was pleased to stay the further proceedings pursuant to the election notification.

3. The matter was mentioned by the learned Advocate General on 24.06.2025 stating that the interim order has rendered nugatory the election process set in

motion by the State. Learned Advocate General was pointedly queried on the issue of compliance with the provisions of Article 243-D, and on 26.06.2025, learned Advocate General and learned Chief Standing Counsel have placed certain data detailing reservations assigned in the 2019 Elections and now in the 2025 election. A copy of the chart detailing the Serial Number, District, Block Panchayat, Name of the Zila Panchayat Seat and reservation in 2019 and whether reservation is repeated or not, is detailed in column-6 and in column-7, certain remarks have been recorded. A copy of this format, which is titled as Format-02 (Member Zila Panchayat) was circulated to learned counsels for the petitioners.

4. Today, Mr. Anil Kumar Joshi, learned counsel for the petitioners, after going through the Format-02 chart, has prepared a chart, which is as under: -

**“Rotation of territorial constituency in different Zila Panchayats**

**Zila Panchayat Tehri Garhwal**

1.	Total number of seats	<b>45</b>	
2.	Total seats reserved for SC Woman	4	Repetition: Nil
3.	Total number of seats reserved for SC	3	Repetition: Nil
4.	Total number of seats for ST woman	Nil	....
5.	Total number of seats for ST	Nil	....
6.	Total number of seats for OBC woman	3	Repetition: Nil
7.	Total number of seats for OBC	2	Repetition: Nil
8.	Total number of seats for woman	16	Repetition: 7
9.	Total number of seats for woman including reserved category:	22	Repetition: 15

**Zila Panchayat Pauri Garhwal**

1.	Total number of seats	<b>37</b>	
2.	Total seats reserved for SC Woman	4	Repetition: Nil
3.	Total number of seats reserved for SC	3	Repetition: Nil
4.	Total number of seats for ST woman	Nil	....
5.	Total number of seats for ST	Nil	....
6.	Total number of seats for OBC woman	1	Repetition: Nil
7.	Total number of seats for OBC	Nil	Repetition: Nil

8.	Total number of seats for woman	14	Repetition: 6
9	Total number of seats for woman including reserved category:	19	Repetition: 7

**Zila Panchayat Chamoli**

1.	Total number of seats	<b>26</b>	
2.	Total seats reserved for SC Woman	3	Repetition: 1
3.	Total number of seats reserved for SC	2	Repetition: Nil
4.	Total number of seats for ST woman	1	....
5.	Total number of seats for ST	Nil	.....
6.	Total number of seats for OBC woman	1	Repetition: Nil
7.	Total number of seats for OBC	Nil	Repetition: Nil
8.	Total number of seats for woman	8	Repetition: 2
9	Total number of seats for woman including reserved category:	13	Repetition: 6

**Zila Panchayat Rudraprayag**

1.	Total number of seats	<b>18</b>	
2.	Total seats reserved for SC Woman	2	Repetition: Nil
3.	Total number of seats reserved for SC	2	Repetition: Nil
4.	Total number of seats for ST woman	Nil	....
5.	Total number of seats for ST	Nil	.....
6.	Total number of seats for OBC woman	1	Repetition: Nil
7.	Total number of seats for OBC	Nil	Repetition: Nil
8.	Total number of seats for woman	6	Repetition: 2
9	Total number of seats for woman including reserved category:	9	Repetition: 4

**Zila Panchayat Bageshwar**

1.	Total number of seats	<b>19</b>	
2.	Total seats reserved for SC Woman	3	Repetition: 1
3.	Total number of seats reserved for SC	2	Repetition: Nil
4.	Total number of seats for ST woman	Nil	....
5.	Total number of seats for ST	Nil	.....
6.	Total number of seats for OBC woman	1	Repetition: Nil
7.	Total number of seats for OBC	Nil	Repetition: Nil
8.	Total number of seats for woman	6	Repetition: 2
9	Total number of seats for woman including reserved category:	10	Repetition: 5

**Zila Panchayat Udham Singh Nagar**

1.	Total number of seats	<b>35</b>	
2.	Total seats reserved for SC Woman	3	Repetition: Nil
3.	Total number of seats reserved for SC	3	Repetition: 1
4.	Total number of seats for ST woman	2	Repetition: Nil
5.	Total number of seats for ST	2	Repetition: Nil
6.	Total number of seats for OBC woman	4	Repetition: Nil
7.	Total number of seats for OBC	3	Repetition: 1
8.	Total number of seats for woman	9	Repetition: 5
9	Total number of seats for woman including reserved category:	18	Repetition: 11

**Zila Panchayat Nainital**

1.	Total number of seats	<b>27</b>	
2.	Total seats reserved for SC Woman	4	Repetition: 1
3.	Total number of seats reserved for SC	3	Repetition: 1
4.	Total number of seats for ST woman	Nil	Repetition: Nil
5.	Total number of seats for ST	Nil	Repetition: Nil
6.	Total number of seats for OBC woman	1	Repetition: Nil
7.	Total number of seats for OBC	1	Repetition: Nil
8.	Total number of seats for woman	9	Repetition: 4
9	Total number of seats for woman including reserved category:	14	Repetition: 7

**Zila Panchayat Uttarkashi**

1.	Total number of seats	<b>27</b>	
2.	Total seats reserved for SC Woman	4	Repetition: 1

3.	Total number of seats reserved for SC	3	Repetition: Nil
4.	Total number of seats for ST woman	Nil	Repetition: Nil
5.	Total number of seats for ST	Nil	Repetition: Nil
6.	Total number of seats for OBC woman	4	Repetition: Nil
7.	Total number of seats for OBC	3	Repetition: Nil
8.	Total number of seats for woman	6	Repetition: 2
9.	Total number of seats for woman including reserved category:	14	Repetition: 6

**Zila Panchayat Pithoragarh**

1.	Total number of seats	<b>32</b>	
2.	Total seats reserved for SC Woman	4	Repetition: Nil
3.	Total number of seats reserved for SC	4	Repetition: Nil
4.	Total number of seats for ST woman	1	Repetition: Nil
5.	Total number of seats for ST	Nil	Repetition: Nil
6.	Total number of seats for OBC woman	2	Repetition: Nil
7.	Total number of seats for OBC	1	Repetition: Nil
8.	Total number of seats for woman	9	Repetition: 3
9.	Total number of seats for woman including reserved category:	16	Repetition: 10

**Zila Panchayat Champawat**

1.	Total number of seats	<b>15</b>	
2.	Total seats reserved for SC Woman	2	Repetition: 1
3.	Total number of seats reserved for SC	1	Repetition: Nil
4.	Total number of seats for ST woman	Nil	Repetition: Nil
5.	Total number of seats for ST	Nil	Repetition: Nil
6.	Total number of seats for OBC woman	1	Repetition: Nil
7.	Total number of seats for OBC	Nil	Repetition: Nil
8.	Total number of seats for woman	4	Repetition: 1
9.	Total number of seats for woman including reserved category:	7	Repetition: 4

**Zila Panchayat Almora**

1.	Total number of seats	<b>45</b>	
2.	Total seats reserved for SC Woman	6	Repetition: Nil
3.	Total number of seats reserved for SC	5	Repetition: Nil
4.	Total number of seats for ST woman	Nil	Repetition: Nil
5.	Total number of seats for ST	Nil	Repetition: Nil
6.	Total number of seats for OBC woman	1	Repetition: Nil
7.	Total number of seats for OBC	Nil	Repetition: Nil
8.	Total number of seats for woman	16	Repetition: 6
9.	Total number of seats for woman including reserved category:	23	Repetition: 11

**Zila Panchayat Dehradun**

1.	Total number of seats	<b>30</b>	
2.	Total seats reserved for SC Woman	3	Repetition: Nil
3.	Total number of seats reserved for SC	2	Repetition: Nil
4.	Total number of seats for ST woman	3	Repetition: Nil
5.	Total number of seats for ST	2	Repetition: Nil
6.	Total number of seats for OBC woman	3	Repetition: 1
7.	Total number of seats for OBC	2	Repetition: Nil
8.	Total number of seats for woman	6	Repetition: 3
9.	Total number of seats for woman including reserved category:	15	Repetition: 8

5. On a reading of the chart, it is seen that the total number of repetitions in respect of Scheduled Casts, Scheduled Tribes and Other Backward Class seats, out of

358 Zila Panchayats, amount to only 08 in number, i.e. 01 repetition in Zila Panchayat Chamoli, 01 repetition in Zila Panchayat Bageshwar, 02 repetition in Zila Panchayat Udham Singh Nagar, 02 repetition in Zila Panchayat Nainital, 01 repetition in Zila Panchayat Uttarkashi and 01 repetition in Zila Panchayat Champawat. In all, the number of repetitions in comparison with the total seats is miniscule, and it has also come out during the course of hearing that there has also been delimitation exercise and certain new panchayats have been carved out.

6. In that view of the matter, we are of the *prima facie* opinion that rotation of reservation, *prima facie*, appears to be in compliance with the mandate of Article 243-D.

7. Learned counsels for the petitioners have raised various contentions, including the validity of Rule 4(4) and also the contention that reservations, including reservation of seats for woman (general category) out to be considered within the 50% quota, which, *prima facie*, the contention does not appeal to the Bench.

8. Be that as it may, these are issues that are required to be gone into at the time of final hearing and this Court, apart from examining the compliance with Article 243-D, the remaining contentions would have to be

appreciated in the backdrop of the provisions of Article 243-O, and this Court having, *prima facie*, concluded that there is substantial compliance with the provisions of Article 243-D, the interim order granted on 23.06.2025 cannot be continued and the election process are to be continued from the stage where they were halted by this Court.

9. In that view of the matter, the interim order dated 23.06.2025 stands vacated. The election process shall be commenced from the stage it was stopped.

10. Counter-affidavit(s), if any, may be filed in three weeks.

11. It is made clear that in view of the stoppage of the election process, i.e. by four days, has resulted in disruption of filing of nomination etc. In that view, the last date for filing the nomination shall be extended by a further period of four days. Consequently, the last date for withdrawal and the last date for scrutiny are to be adjusted accordingly. The Election Commission may also examine and comply with the provisions of Article 243-K of the Constitution of India.

12. Certain rulings are relied upon on the both sides. The Rulings of the Hon'ble Apex Court clearly elucidated one invariable rule that the Constitutional Courts may stall the election process where there is no compliance with the



constitutional mandate regarding reservation under Article 243-D of the Constitution of India.

13. List on 28.07.2025.

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**G. NARENDAR, C.J.**

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**ALOK MAHRA, J.**

Dt: 27<sup>th</sup> June, 2025

NISHANT